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ABSTRACT

This fact sheet on state laws governing the independent practice and reimbursement of services for clinical social workers contains information from questionnaires sent to the state agencies responsible for health insurance regulations and Medicaid and licensing activities. Information on Ohio, the only state which did not respond, is not included. The information in this fact sheet covers three areas: (1) licensing, registration, or certification practices applicable to social workers; (2) recognition of social workers in private practice as alternative providers of mental health services for insurance purposes; and (3) recognition by state Medicaid programs of social workers in private practice as alternative providers of mental health services. Included are sections on objectives, scope, and methodology; the definition of clinical social work; a summary of information obtained on clinical social work; state licensing of social workers; recognition by state for insurance purposes; and recognition by Medicaid. Appendix I contains qualifications and definitions from national social work associations. Appendix II gives the various definitions of social work used by the 31 states that do license social workers. Appendices III and IV examine licensing and insurance provisions for the 19 practice-restrictive states and Appendix V looks at licensing and insurance provisions for the 12 title-restrictive states. Three data tables are provided which show social work license restrictions and insurance recognition by state and which list information on clinical social work licenses in practice- and title-restrictive states. (NRB)

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GAO

United States General Accounting Office

Fact Sheet for the Honorable
Daniel K. Inouye
United States Senate

February 1986

CLINICAL SOCIAL WORK

State Laws Governing Independent Practice and Reimbursement of Services

CG 018943

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UNITED STATES GENERAL ACCOUNTING OFFICE
WASHINGTON, D.C. 20548

HUMAN RESOURCES
DIVISION

February 21, 1986

B-221660

The Honorable Daniel K. Inouye
United States Senate

Dear Senator Inouye:

In response to your June 15, 1984, letter and subsequent discussions with your office, we obtained information on state laws and regulations governing independently practicing clinical social workers (those not employed by physicians, clinics, or hospitals). This fact sheet provides the results of our efforts to determine, for each state

--whether the state had established any control of social workers through licensing, registration, or certification practices;

--whether the state recognized for insurance reimbursement purposes persons in the independent practice of clinical social work as alternative providers of mental health services and, if it did, whether referral and/or supervision by a medical doctor was required; and

--whether the state recognized independently practicing persons providing clinical social work as alternative providers of mental health services for Medicaid reimbursement purposes.

Our information was obtained primarily from questionnaires sent to the state agencies responsible for health insurance regulations and Medicaid and licensing activities. We also obtained information from the National Association of Social Workers, Inc., and the National Federation of Societies for Clinical Social Work, Inc.

We found that 19 states restrict the independent practice of clinical social work to persons holding a license. Another 12 states have established licensure activity covering social workers, but anyone may practice clinical social work without a

license as long as he or she does not use the license title in dealing with the public. Twelve states also have established criteria for independently practicing clinical social workers as alternative providers of mental health services for health insurance purposes, but no state has recognized them as such for Medicaid reimbursement.

As arranged with your office, we are sending copies of this fact sheet to the state agencies responsible for health insurance, medicaid, and licensing, and to the national organizations cited above and their state organizations.

Should you need additional information on the contents of this document, please call me on 275-5451.

Sincerely yours,

Franklin A. Curtis

Franklin A. Curtis
Associate Director

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ABBREVIATIONS

CSW	Clinical social work
CSWE	Council on Social Work Education
NASW	National Association of Social Workers, Inc.
NFCSW	National Federation of Societies for Clinical Social Work, Inc.

FACT SHEET ON CLINICAL SOCIAL WORK:

STATE LAWS GOVERNING

INDEPENDENT PRACTICE

AND REIMBURSEMENT OF SERVICES

In response to a June 15, 1984, request from Senator Daniel K. Inouye and subsequent discussions with his office, we obtained information on state legislation applicable to persons performing clinical social work as independent practitioners rather than as employees of a physician or a mental health or medical facility. The information covers three areas:

--licensing, registration, or certification practices applicable to social workers;

--recognition of persons in the independent practice of clinical social work as alternative providers of mental health services for insurance purposes; and

--recognition by state medicaid programs of independently practicing persons providing clinical social work as alternative providers of mental health services.

OBJECTIVES, SCOPE, AND METHODOLOGY

Our inquiry focused on social workers who provide clinical social work services as independent practitioners. We did not request information on social workers who perform clinical social work as employees of physicians, clinics, or hospitals.

We obtained our information primarily through the use of three sets of questionnaires we sent out between December 1984 and April 1985 to state agencies responsible for health insurance, Medicaid, and licensing activities. Also, we contacted the National Association of Social Workers, Inc. (NASW), and the National Federation of Societies for Clinical Social Work, Inc. (NFCSW), for information.

Material provided by these organizations generally identified states that had established a program for licensing[1]

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[1]May include registration, certification, or licensure. Because we found no clear distinction among the three terms as used by the states, we use "license" in this fact sheet to encompass all three.

social workers and states that recognized clinical social workers as alternative providers of mental health services for insurance purposes. For states that NASW did not identify as licensing social workers, we contacted state representatives by telephone or used other sources to verify that the information was still valid.

We then sent questionnaires to the 32 states we had identified as having licensing programs. Only Ohio failed to return information on licensing although we made follow-up telephone requests. We also sent questionnaires on insurance and Medicaid provisions to all states and the District of Columbia. For states that did not return those questionnaires, we obtained the information through telephone follow-up.

"CLINICAL SOCIAL WORK" DEFINED

Not all states use the term "clinical" in the title of the licenses they issue for social work, and even when used in the license title, the definition of clinical social work varies. Therefore in our questionnaire, we requested information on licenses using the word "clinical" in the title or, where clinical was not used, on licenses applicable to the services performed by our definition of clinical social work. Our questionnaire defined clinical social work as the assessment, diagnosis, consultation, treatment, and prevention of psychosocial dysfunction, disability, or impairment, including emotional and mental disorders.

This definition was adapted, in consultation with state regulatory officials, from the definitions of clinical social work used by NASW and NFCSW (see app. I). The legislative definitions used by the 31 licensing states to refer to clinical social workers or persons performing clinical social services are given in appendix II. The appendix also contains the definitions for social work and social worker used by states that do not distinguish between the different types of social work.

SUMMARY OF INFORMATION OBTAINED ON CLINICAL SOCIAL WORK

Thirty-two states provide some control over clinical social work in their jurisdiction through registration, certification, or licensure of social workers. (Because Ohio did not respond to our licensing questionnaire, the licensing data in this fact sheet concerns the remaining 31 states.) The significant distinction among the states is whether the licensing is

--practice restrictive, i.e., restricts the practice of social work and the use of certain titles to a person holding a valid license issued by the state (19 states) or

--title restrictive, i.e., restricts only the use of certain titles to persons holding a valid license issued by the state, but does not restrict the practice of social work (12 states).

These states are listed according to type of restriction in table 1. Many states have established several licenses for social workers, each license having its own eligibility requirements.

Table 1:
Social Work License Restrictions and Insurance Recognition, by State

Practice restrictive	Recognition mandated for insurance purposes: Yes	No
1. Alabama		X
2. Arkansas		X
3. California	X	
4. Delaware		X
5. Idaho		X
6. Kansas	X	
7. Kentucky		X
8. Louisiana	X	
9. Maine	X	
10. Maryland	X	
11. Massachusetts	X	
12. North Dakota		X
13. Oklahoma	X	
14. South Dakota		X
15. Tennessee		X
16. Texas		X
17. Utah	X	
18. Virginia	X	
19. West Virginia		X
Title restrictive only		
1. Colorado		X
2. Florida		X
3. Illinois		X
4. Iowa		X
5. Michigan		X
6. Montana		X
7. New Hampshire	X	
8. New York	X	
9. North Carolina		X
10. Oregon	X	
11. Rhode Island		X
12. South Carolina		X

The recognition of independent practitioners for health insurance purposes is another important subject that we examined. Twelve states (listed in table 1) have mandated that persons performing clinical social work in independent practice who meet the established criteria for clinical social workers must be accepted as alternative providers of mental health services under policies providing mental health coverage.

(Although we received no response from the Ohio licensing agency, Ohio's health insurance laws do not recognize independently practicing clinical social workers as alternative providers of mental health services, according to the Assistant Director of Ohio's Insurance Department.)

Of the 12 states mandating recognition for insurance purposes, all provide for licensing of social workers but only 9 restrict the practice of social work to those holding a license. In 3 of the 12 states, the insurance laws require the licensing activity to identify those clinical social workers in independent practice who meet the health insurance qualification for direct reimbursement by health insurance companies.

The provisions of each state's laws or regulations authorizing the licensing of clinical social workers and insurance reimbursement to persons performing clinical social work services appear in appendixes III, IV, and V.

The following 18 states and the District of Columbia have neither established licensing control over the activities of persons performing social work nor recognized persons independently practicing clinical social work as alternative providers of mental health services for insurance purposes:

1. Alaska
2. Arizona
3. Connecticut
4. Georgia
5. Hawaii
6. Indiana
7. Minnesota
8. Mississippi
9. Missouri
10. Nebraska
11. Nevada
12. New Jersey
13. New Mexico
14. Pennsylvania
15. Vermont
16. Washington
17. Wisconsin
18. Wyoming
19. District of Columbia

(More details of our findings on state licensing of social workers and state recognition of independent practitioners for insurance and Medicaid purposes are presented below.)

STATE LICENSING OF SOCIAL WORKERS

Of the 31 states that license social workers and responded to our questionnaire, we found that some states had established one license for all social workers, while others had established several levels of licensure. If the latter, for each level, the state generally established requirements concerning education, accreditation of the educational body, and extent of experience

necessary to qualify for the license. In addition, most states required that a written examination be taken to obtain the license.

Practice-restrictive states

For the 19 states that restrict the practice of social work to persons with a license, another distinction is whether the word "clinical" is used in the license title, and if it is not, what restricts the level of licensee who can independently practice clinical social work (see table 2). Nine states use the word "clinical" in either a basic license or the title of a specialty license. In these states, the public is thus informed that a licensee has met the state criteria to practice clinical social work. In nine other states, the private, independent practice of clinical social work is restricted to certain license holders although the title of the license does not include the word "clinical." Finally, one state, West Virginia, which has three levels of licensure, restricts practice to license holders but places no restriction on the level or type of social work that any license holder may engage in.

Table 2:
Clinical Social Work Licenses in
Practice-Restrictive States

State	Clinical practice limited to holders of these license titles
"Clinical" in license title	
1. California	Licensed Clinical Social Worker
2. Delaware	Licensed Clinical Social Worker
3. Kansas	Specialist - Clinical Social Worker
4. Kentucky	Clinical Social Worker
5. Maine	Licensed Clinical Social Worker
6. Massachusetts	Licensed Independent Clinical Social Worker
7. Texas	Private, Independent Clinical Social Worker
8. Utah	Clinical Social Worker
9. Virginia	Licensed Clinical Social Worker
"Clinical" not in license title	
10. Alabama	Licensed Certified Social Worker - Private Independent
11. Arkansas	Licensed Certified Social Worker
12. Idaho	Certified Social Worker - Private and Independent Social Worker
13. Louisiana	Board Certified Social Worker
14. Maryland	Licensed Certified Social Worker
15. North Dakota	Licensed Certified Social Worker - Private Practice
16. Oklahoma	Licensed Social Worker (Specialty)
17. South Dakota	Certified Social Worker - Private Independent Practice
18. Tennessee	Certified Master Social Worker Independent Practitioner
19. West Virginia[a]	Certified Social Worker Graduate Social Worker Social Worker

[a]Holder of any of the three licenses may engage in any level or type of social work.

The legislative language on licensing and insurance provisions for the 19 practice-restrictive states appears in appendixes III ("clinical" used in title) and IV ("clinical" not used in title).

Title-restrictive states

In the 12 states that issue licenses restricting the use of social work titles (but not the practice of social work) to persons holding valid licenses, anyone may practice clinical social work as long as he or she does not use a title restricted to license holders in dealing with the public. As shown in table 3, 5 of the 12 states have at least one license whose title includes the term "clinical." In the other seven states, "clinical" is not used in the title of any license issued. Because any individual, licensed or nonlicensed, may practice clinical social work in these seven states, we have not listed the titles of the licenses issued.

Table 3:
Clinical Social Work Licenses
in Title-Restrictive States

State	Use of these titles limited to holders of these licenses
Clinical in license title	
1. Florida	Clinical Social Worker
2. New Hampshire	Certified Clinical Social Worker
3. North Carolina	Certified Clinical Social Worker
4. Oregon	Registered Clinical Social Worker
5. Rhode Island	Registered Independent Social Worker (Clinical)
Clinical not in license title	
6. Colorado	
7. Illinois	
8. Iowa	(Not considered applicable-- see explanation in text)
9. Michigan	
10. Montana	
11. New York	
12. South Carolina	

The legislative language on licensing and insurance provisions for the 12 title-restrictive states appears in appendix V.

State licensing requirements

Each state that licenses social workers has established requirements that an applicant must meet to be eligible for the state's license. The requirements generally cover education,

experience, and completion of an examination. Not all states apply all three requirements and there is some variance in the standard established if a requirement applies. NASW and NFCSW have established or been instrumental in the establishment of two national registers, the Register of Clinical Social Workers and the National Registry of Health Care Providers in Clinical Social Work, respectively. The registers list clinical social workers and establish requirements that applicants must meet (see app. I for requirements).

The following information on state education, experience, and examination requirements applies to the 23 states that either issue a social worker license with the term "clinical" in the title or restrict independent practice to holders of specific licenses (18 practice-restrictive and 5 title-restrictive states). We omit information on West Virginia, which is also practice restrictive, as it does not restrict clinical social work practice to a specific type of license and its three licenses have different requirements. Nor do we include information for the seven title restrictive states that neither restrict the practice of independent social work nor issue a license with the word "clinical" in the title and that consequently specify no minimum qualifications for clinical social work practice. (See apps. III, IV, and V for states' specific legislative language.)

Education

All 23 states require at least a master's degree for persons seeking a license associated with clinical social work. Of the 23 states, 20 require that the education be obtained from a school accredited by the Council on Social Work Education. For three states, legislation does not specify accreditation but leaves the determination up to the licensing board.

Experience

Of the 23 states, 22 require the applicant to have some postgraduate experience to be eligible for the license. Delaware, a state that restricts practice to certain license holders, has not established experience as an eligibility requirement. Of the 22 states that do require experience, 18 require at least 2 years of experience and 4 (Florida, Virginia, North Dakota, and Alabama) require 3 years. (These are the requirements for full-time experience. Many states also have established an acceptable level for part-time experience.)

In the 22 states that require postgraduate experience, 19 have established qualifications for the persons who supervise that experience. The qualifications established in the

19 states by either legislation or regulation include persons holding the top social worker license issued by the state. In three states (North Carolina, Texas, and Idaho), neither legislation nor board regulations are specific as to the qualification of the person providing the postgraduate supervision but leave the decision up to the licensing board.

Examination

Twenty of the 23 states required applicants to pass a written examination to be licensed; three states (Oregon, Texas, and Idaho) did not. As of January 1, 1986, however, Texas requires applicants to pass a written examination.

RECOGNITION BY STATE FOR INSURANCE PURPOSES

Our questionnaire on insurance asked each state insurance agency if the state's insurance laws recognized independent practitioners of clinical social work as alternative providers of mental health services. In response, 12 states indicated that their insurance laws recognized clinical social workers as alternative providers of mental health services (see table 1). In addition, several other states responded that mental health services could be provided by clinical social workers as employees of physicians or as members of clinics administered by psychiatrists or psychologists. In such situations, bills for the clinical social workers' services are submitted by the doctor or the clinic.

The actual language of state insurance laws recognizing clinical social workers as alternative providers of mental health services (see apps. III to V) varies from a direct statement that the policies must give the policyholder the right to choose a clinical social worker if the policy includes mental health coverage, to language requiring the insurer to offer the policyholder the option of coverage that would permit the use of clinical social workers. One state, New Hampshire, permits an additional premium for the option to use clinical social workers. The sections of the insurance laws submitted to us by the other states allowing the policyholder to select the optional coverage contain no reference to whether or not an additional premium would be allowed.

Responses from the 12 states that recognize clinical social workers as alternative providers indicate that none require the clinical social worker to work under the supervision of a medical professional to be accepted by an insurer for service to an insuree. Eleven states responded to our question on how insurance billing by a clinical social worker was to be

handled. In five states, legislation mandates that the clinical social worker may bill directly (as opposed to billing through a medical doctor). In another five states, legislation does not cover billing, and in one state (New Hampshire), legislation permits direct billing by clinical social workers if the policy-holder has chosen the optional coverage.

RECOGNITION BY MEDICAID AS ALTERNATIVE PROVIDER

We sent a questionnaire to the agencies responsible for operating the Medicaid programs in all 50 states and the District of Columbia. Information received via the questionnaire and our follow-up telephone inquiries indicated that no Medicaid program recognized an independently practicing clinical social worker as an alternative provider of mental health services. Several responses indicated that clinical social worker services would be reimbursed if performed by an employee of a physician or a qualified mental health clinic.

APPENDIX I

NATIONAL SOCIAL WORK ASSOCIATIONS: QUALIFICATIONS AND DEFINITIONS

Presented below are the definitions of clinical social work used by the two major national associations and their qualifications relating to education, experience, and examination required of individuals applying to be registered by them.

NATIONAL ASSOCIATION OF SOCIAL WORKERS, INC.

(The following definition was adopted by the NASW Board of Directors in January 1984.)

> "Clinical Social Work (CSW) shares with all social work practice the goal of enhancement and maintenance of psychosocial functioning of individuals, families, and small groups. CSW practice is the professional application of social work theory and methods to the treatment and prevention of psychosocial dysfunction, disability, or impairment, including emotional and mental disorders. It is based on knowledge of one or more theories of human development within a psychosocial context.
>
> "The perspective of person-in-situation is central to CSW practice. CSW includes interventions directed to interpersonal interactions, intrapsychic dynamics, life support and management issues. CSW services consist of assessment, diagnosis, treatment including psychotherapy and counseling, client-centered advocacy, consultation and evaluation. The process of CSW is undertaken within the objectives of social work and the principles and values contained in the NASW Code of Ethics."

Minimum requirements to be listed in NASW's register of Clinical Social Workers are as follows:

--Education--master's degree in social work.

--School--accredited or recognized by Council on Social Work Education (CSWE).

--Experience--2 years of full-time post-master's clinical social work practice supervised by a master's level social worker, or a total of 3,000 hours accumulated over a period of not less than 24 months.

--Examination--satisfactory completion of written examination required to join the Academy of Certified Social Workers, active members of which are eligible to be listed on the NASW registry of clinical social workers.

NATIONAL FEDERATION OF SOCIETIES FOR CLINICAL SOCIAL WORK, INC.

(The following definition was approved by NFCSW in May 1984.)

"Clinical Social Work Practice includes provision of mental health services for the diagnosis, treatment, and prevention of mental and emotional disorders in individuals, families, and groups. Clinical Social Work Practice is based on knowledge and theory of psychosocial development, behavior, psychopathology, unconscious motivation, interpersonal relationships, and environmental stress. Treatment interventions include, but are not limited to, individual, marital, family and group psychotherapy."

Minimum requirements to be listed in the NFCSW-supported National Registry of Health Care Providers in Clinical Social Work are as follows:

--Education--master's degree in social work with a core of clinical course work or demonstrated equivalent.

--School--accredited by CSWE.

--Experience--graduate field work placement of 600 hours per year or its equivalent, providing direct clinical services to individuals, families, or groups. A minimum 2 years or equivalent 3,000 hours of clinical social work experience under supervision of a graduate clinical social worker.

--License--current licensure or registration for those residing in states where social worker registration, certification, or licensure is mandated.

--Examination--none.

SOCIAL WORK DEFINITIONS USED BY STATES THAT LICENSE SOCIAL WORKERS

This appendix contains definitions used by the 31 states that license social workers and that responded to our questionnaire.

ALABAMA

"Social work. The professional activity of helping individuals, groups or communities enhance or restore their capacity for social functioning and of preventing or controlling social problems altering societal conditions as a means towards enabling people to attain their maximum potential.

Social work practice. The professional application of social work values, principles, and techniques to one or more of the following ends: helping people obtain tangible services, counseling with individuals, families and groups, helping communities or groups provide or improve social and health services, engaging in research related to those ends and principles, and administering organizations and agencies engaging in such practice. The practice of social work requires knowledge of human development and behavior, of social, economic and cultural institutions and of the inter-action of all these factors.

Social work method. An orderly, systematic mode of practice and procedure recognized and approved by the board of social work examiners. This includes but is not limited to social casework, social group work and community organization."

Ala. Code §34-30-1(2),(3),(5), (Supp. 1984)

ARKANSAS

"'Practice of social work' shall mean a professional service which effects change in social conditions, human behavior, and emotional responses of individuals, couples, families, groups, and organizations. 'Social work practice' can only be performed with specialized knowledge and skills related to human development, the potential for human growth, the availability of social resources, and the knowledge of social systems. The disciplined application of social work knowledge and skills includes but is not restricted to the following:

(1) Counseling with individuals, couples, families, and groups for purposes of assessment and enhancement of the problem solving and coping capacities of people.

(2) The application of social work knowledge and skills in planning, administration, and research."

Ark. Stat. Ann. §71-2803(b) (Supp. 1983)

APPENDIX II

CALIFORNIA

"The practice of clinical social work is defined as a service in which a special knowledge of social resources, human capabilities, and the part that unconscious motivation plays in determining behavior, is directed at helping people to achieve more adequate, satisfying and productive social adjustments. The application of social work principles and methods includes, but is not restricted to, counseling and using applied psycholtherapy [sic] of a non-medical nature with individuals, families and groups, providing information and referral services, providing or arranging for the provision of social services, explaining and interpreting the psychosocial aspects in the situations of individuals, families or groups, helping communities to organize, to provide, or improve social and health services, and doing research related to social work.

Psychotherapy, within the meaning of this chapter, is the use of psychosocial methods within a professional relationship, to assist the person or persons to achieve a better psychosocial adaptation, to acquire greater human realization of psychosocial potential and adaptation, to modify internal and external conditions which affect individuals, groups, or communities in respect to behavior, emotions, and thinking, in respect to their intrapersonal and interpersonal processes."

Cal. Bus. and Prof. Code §9049 (Deering 1976)

COLORADO

"'Social work practice' means a professional service developed to effect change in human behavior, emotional responses, and social conditions of individuals, couples, families, groups, and communities. 'Social work practice' can only be performed with specialized knowledge and skills related to human development, including an understanding of unconscious motivation, the potential for human growth, the availability of social resources, and the knowledge of social systems. The disciplined application of social work knowledge and skill includes but is not restricted to the following:

(a) Counseling and the use of applied psychotherapy with individuals, couples, families, and groups for purposes of diagnosis, evaluation, and treatment (applied psychotherapy referring to a variety of treatment methods developing out of generally accepted theories about human behavior and development);

(b) Social planning, administration, and research for community social services delivery systems."

Colo. Rev. Stat. §12-63.5-103(6) (1978)

DELAWARE

"'Clinical social work' shall mean a service in which a special knowledge of social resources, human capabilities, and the part unconscious motivation plays in determining behavior is directing at helping people to achieve more adequate, satisfying productive social adjustments. The application of social work principles and methods includes, but is not restricted to, counseling and using applied psychotherapy of a non-medical nature with individuals, families and groups."
Del. Code Ann. tit. 24, §3902(2) (Supp. 1984)

FLORIDA

"'Clinical social worker' means a person licensed . . . ."
Fla. Stat. Ann. §490.003(4) (West Supp. 1985)

IDAHO

"'Social work' is defined as the professional activity of helping individuals, groups or communities enhance or restore their capacity for social functioning and creating societal conditions favorable to this goal. Social work practice consists of the professional application of social work values, principles, and techniques. The practice of social work requires knowledge of human development and behavior of social, economic and cultural institutions and of the interaction of all these factors."
Idaho Code §54-3202(2) (1979)

ILLINOIS

"'Social worker' means any person who is paid, whether on a full-time or part-time basis, to render social services to individuals, groups or communities in any one or more of the fields of social casework, social group work, community organization for social welfare, social work research, social welfare administration or social work education."
Ill. Ann. Stat. ch. 111, §6302(d) (Smith-Hurd Supp. 1985)

IOWA

"'Practice of licensed social work' means the professional activity of licensed social workers which is directed at enhancing, protecting, or restoring people's capacity for social functioning and includes the application of social work methods and values in evaluating personal and family problems and relationships, assisting persons and families with adjustment

problems and reaching appropriate decisions about their lives, and counseling emotionally distressed individuals and families."
Iowa Code Ann. §154c.1 par.-3 (West Supp. 1985)

KANSAS

"'Social work practice' means the professional activity of helping individuals, groups or communities enhance or restore their capacity for physical, social and economic functioning and the professional application of social work values, principles and techniques in areas such as psychotherapy, social service administration, social planning, social work consultation and social work research to one or more of the following ends: Helping people obtain tangible services; counseling with individuals, families and groups; helping communities or groups provide or improve social and health services; and participating in relevant social action. The practice of social work requires knowledge of human development and behavior; of social, economic and cultural institutions and forces; and of the interaction of all these factors. Social work practice includes the teaching of practicum courses in social work."
Kan. Stat. Ann. §75-5347(b) (1984)

KENTUCKY

"'The practice of social work' means the professional activity of helping for remuneration individuals, groups, or communities enhance or restore their capacity for social functioning and create societal conditions favorable to this goal. It includes the professional application of social work values, principles, and techniques to one or more of the following ends: counseling and nonmedical psychotherapy with individuals, families and groups; helping people obtain tangible services; assisting communities or groups provide or improve social and health services; and engaging in social work education, research, planning and the appropriate administration of social work or social welfare services."
Ky. Rev. Stat. Ann. §335.020(2) (Baldwin 1983)

LOUISIANA

"'Board Certified Social Work' means a practice or service in which a special knowledge of social resources, social systems, human capabilities, and the part that past experiences play in determining present behavior is directed at helping people to achieve more adequate, satisfying, productive, and self-realizing social adjustments. The application of social work principles and methods includes, but is not restricted to,

casework and the use of social work methodology of nonmedical nature with individuals, families, and groups and other measures to help people modify behavior or personal and family adjustment; providing information and referral services; explaining and interpreting the psychosocial aspects in the situation of individuals, families, or groups; helping communities to analyze social problems and human needs and the direct delivery of human services; and education and research related to the practice of board certified social work.

"'Social work methodology' means the use of psychosocial methods within a professional relationship to assist the person or persons to achieve a better psychosocial adaptation, to acquire greater human realization of psychosocial potential and adaption, to modify internal and external conditions which affect individuals, groups, or communities in respect to behavior, emotions, and thinking, in respect to their intrapersonal and interpersonal processes."

La. Rev. Stat. Ann. §37-2703(2),(3) (West 1974)

MAINE

"A 'clinical social worker' is a person . . . whose practice includes the application of recognized principles, methods and procedures of the profession of social work to the treatment and prevention of psycho-social disorders, including the diagnosis of mental illness and emotional disorders for the purpose of treatment and therapeutic intervention, but excluding the diagnosis of organic mental illness or treatment of any illness by organic therapy."

"'Psycho-social evaluation' as used in this chapter includes the determination and examination by social workers of the psycho-social situation of an individual or group related to inter and intra-personal stress, family background, family interaction, living arrangements and socio-economic problems and treatment, evaluation, plans and goals, including the diagnosis of mental illness and emotional disorders for the purpose of treatment and therapeutic intervention, but excluding the diagnosis of organic mental illness or treatment of any illness by organic therapy, to the extent permitted by the licensure provision, of this chapter. The diagnosis of mental illness and emotional disorders shall be limited to licensed clinical social workers and certified social workers. In the process of making a diagnosis and formulating a treatment plan for mental illness or emotional disorder, the social worker shall assure that the person is examined by a physician, and may take into account the physician's opinion in forming the psycho-social evaluation. When a person has been seen by a physician within 3 months

. . . a telephone consultation between that physician and the social worker may be held in lieu of the examination required by this subsection. The medical visit or the telephone consultation shall be documented in the clinical records of the person."

Me. Rev. Stat. Ann. tit. 32, §7001 pars. 5-A,6 (Supp. 1985)

MARYLAND

"'Practice social work' means to engage professionally and for compensation in the following activities while representing oneself to be a social worker:

1) Helping individuals, groups, or communities to enhance or restore their capacity for social functioning;

2) Seeking to create societal conditions favorable to this goal; and

3) By the application of social work values, principles and techniques:

(i) Helping people obtain tangible services;

(ii) Helping persons, communities, and groups provide or improve social and health services; and

(iii) Counseling with individuals, families, and groups."

Md. Health Occ. Code Ann. §18-101(e),(f)

MASSACHUSETTS

"'The practice of social work,' rendering or offering to render professional service for any fee, monetary or otherwise, to individuals, families, or groups of individuals, which services involve the application of social work theory and methods in the prevention, treatment, or resolution of mental and emotional disorders or family or social dysfunctioning caused by physical illness, intrapersonal conflict, interpersonal conflict or environmental stress. Such professional services may include, but shall not be limited to, the formulation of a psychosocial evaluation, counseling, psychotherapy of a nonmedical nature, referral to community resources, and the development and provision of educational programs.

'Counseling', engaging individuals, families, or groups of individuals in conscious, problem solving discussions about psychosocial problems. Such counseling efforts may or may not include facilitating the client's obtaining financial or other forms of environmental assistance.

'Psychotherapy of a nonmedical nature', the utilization of psychological and interpersonal theories and related practice methodologies to assess, interpret and modify conscious and unconscious processes of behavior."

Mass. Ann. Laws ch. 112, §130 (Michie/Law. Coop. 1985)

MICHIGAN

"'Social work' means the professional activity of helping an individual, group, or community enhance or restore its capacity for social functioning and creating a societal condition favorable to this goal. Social work practice consists of the professional application of social work values, principles, and techniques to helping a person obtain a tangible service; counseling an individual, family, or group; helping a community or group provide or improve social health services; and participating in a relevant legislative process."

Mich. Stat. Ann. §18.425(1601)(b) (Callaghan Supp. 1985)

MONTANA

"'Social work' means the professional practice directed toward helping people achieve more adequate, satisfying, and productive social adjustments. The practice of social work involves special knowledge of social resources, human capabilities, and the roles that individual motivation and social influences play in determining behavior and involves the application of social work techniques, including:

a) counseling and using psychotherapy with individuals, families, or groups;

b) providing information and referral services;

c) providing, arranging, or supervising the provision of social services;

d) explaining and interpreting the psychosocial aspects in the situations of individuals, families, or groups;

e) helping communities to organize to provide or improve social and health services; and

f) research or teaching related to social work.

"'Psychotherapy' means the use of psychosocial methods within a professional relationship to assist a person to achieve a better psychosocial adaptation and to modify internal and external conditions that affect individuals, groups, or families in respect to behavior, emotions, and thinking concerning their interpersonal processes."

Mont. Code Ann. §37-22-102 (5), (4) (1985)

NEW HAMPSHIRE

No definition of "social work" or "clinical social work."

NEW YORK

"The practice of social work as a 'certified social worker' is defined as engaging, under such title, in social casework, social groupwork, community organization, administration of a social work program, social work education, social work research, or any combination of these in accordance with social work principles and methods. The practice of social work is for the purpose of helping individuals, families, groups and communities to prevent or to resolve problems caused by social or emotional stress."

N.Y. Educ. Law §7701 (McKinney 1985)

". . . psychotherapy . . . shall mean the use of verbal methods in interpersonal relationships with the intent of assisting a person or persons to modify attitudes and behavior which are intellectually, socially or emotionally maladaptive. . . ."

N.Y. Ins. Law §3221 (l)(4)(a) (McKinney 1985)

NORTH CAROLINA

"'Social worker' is a person engaging in the public practice of social work who is not a Certified Social Worker, Certified Master Social Worker, Certified Clinical Social Worker or Certified Social Work Manager, as defined in this chapter.

"A person is engaged in the 'public practice of social work' who holds himself or herself out to the public as a social worker and who offers to perform or does perform for other persons, services which involve the application of social work services, consultation and administration, and social work planning and research."

N.C. Gen. Stat. §90B-3(b),(c) (Supp. 1983)

NORTH DAKOTA

"Social work practice consists of the professional application of social work values, principles, and techniques in: helping people obtain tangible services; counseling; psychotherapy with individual, families, and groups; helping communities or groups to improve social and health services; providing social casework; administration of a social work program; social work education; social work research; or any combination of these. The practice of social work requires knowledge of human development and behavior, of social, economic, and cultural institutions, and of the interaction of all of these factors."

N.D. Cent. Code §43-41-01 par. 5 (Supp. 1985)

OHIO

(Ohio did not submit information in response to our questionnaire.)

OKLAHOMA

"'Practice of social work' means the professional activity of helping individuals, groups or communities enhance or restore their capacity for physical, social and economic functioning and the professional application of social work values, principles and techniques in areas such as clinical social work, social service administration, social planning, social work consultation and social work research to one or more of the following ends: Helping people obtain tangible services; counseling with individuals, families and groups; helping communities or groups provide or improve social and health services; and participating in relevant social action. The practice of social work requires knowledge of human development and behavior; of social economic and cultural institutions and forces; and of the interaction of all of these factors. Social work practice includes the teaching of relevant subject matter and of conducting research into problems of human behavior and conflict."

Okla. Stat. Ann. tit. 59, §1250.1 par. 2 (West Supp. 1984)

OREGON

"'Clinical social work' means the professional practice of applying principles and methods with individuals, marital couples, families, children and groups, which include, but are not restricted to:

a) Providing diagnostic, preventive and treatment services of a psychosocial nature pertaining to personality adjustment, behavior problems, interpersonal dysfunctioning or deinstitutionalization;

b) Developing a psychotherapeutic relationship to employ a series of problem solving techniques for the purpose of removing, modifying, or retarding disrupted patterns of behavior, and for promoting positive personality growth and development;

c) Counseling and the use of psychotherapeutic techniques, such as disciplined interviewing which is supportive, directive or insight oriented depending upon diagnosed problems, observation and feedback, systematic analysis, and recommendations;

d) Modifying internal and external conditions that affect a client's behavior, emotions, thinking, or intrapersonal processes;

e) Explaining and interpreting the psychosocial dynamics of human behavior to facilitate problem solving; and

f) Supervising, administering or teaching clinical social work practice."

Or. Rev. Stat. §675.510(3) (1981)

RHODE ISLAND

"'Registered social worker' means a person with broad knowledge of social work practice, with significant portions of his professional activity involving independent judgement and initiative, while utilizing professional consultation or supervision.

"'Registered independent social worker' means a person with broad knowledge of clinical social work practice, with concentration in specific areas, who is capable of assuming independent accountability for the outcome of service.

"'Clinical social work practice' means the professional application of social work theory and methods to the treatment and prevention of psychosocial dysfunctioning, disability or impairment including emotional and mental disorders. It is based on knowledge of one or more theories of human development within a psychosocial context . . . Clinical social work services consist of assessment, diagnosis and treatment including psychotherapy, client-centered advocacy, consultation and evaluation. The process of clinical social work is undertaken within the objectives of social work and the principles and values contained in the National Association of Social Workers (NASW) Code of Ethics."

R.I. Gen. Laws §5-39-1.1 (Supp. 1984)

SOUTH CAROLINA

No definition of social workers.

SOUTH DAKOTA

"'Social work' the professional activity for fee of helping individuals, groups, or communities enhance or restore their capacity for social functioning and creating societal conditions favorable for this goal. Social work practice consists of the professional specialized and disciplined application of social work skills secured by formalized education or substitute work experience as permitted. . . ."

S.D. Codified Laws Ann. §36-26-1(2) (1977)

TENNESSEE

". . . independent practitioner' means a clinical social worker who, by education and experience, is professionally qualified to provide, through autonomous practice, direct preventive, and treatment services including psychotherapy in situations in which functioning is threatened or affected by social and psychological stress or health impairment."
Tenn. Code Ann. §63-23-103 (a) (Supp. 1985)

TEXAS

"'Social work services' means the professional activity of helping individuals, groups, or communities enhance or restore their capacity for social functioning and creating societal conditions favorable to this goal. Social work services consist of the professional application of social work values, principles, and techniques to one or more of the following ends: helping people obtain tangible services, counseling with individuals, families, or groups, helping communities or groups provide social and health services, and participating in formulating relevant public policies. The practice of social work requires knowledge of human development and behavior, of social, economic, and cultural institutions, and of the interaction of all these factors."
Tex. Hum. Res. Code Ann. §50.001(a)(3) (Vernon Supp. 1985)

UTAH

". . . Social work is defined as the professional activity of helping individuals, groups, or communities enhance or restore their capacity for social functioning and creating societal conditions favorable to this goal. Social work practice consists of the professional application of social work values, principles, and techniques to one or more of the following ends: helping people obtain tangible services; counseling with individuals, families, and groups; helping communities or groups provide or improve social and health services; and participating in relevant legislative processes. The practice of social work requires knowledge of human development and behavior; or social, economic and cultural institutions; and of the interaction of all these factors."
Utah Code Ann. §58-35-3(2) (1974)

"'Practice of clinical social work' means the application of an established body of knowledge and professional skills in the practice of psychotherapy including assessment and treatment of individuals, couples, families and other groups related to functioning, developing and total well-being, including mental health and mental illness."
Utah Code Ann. §58-35-2(5) (Supp. 1983)

APPENDIX II

VIRGINIA

"The 'practice of social work' means rendering or offering to render to individuals, families, groups, organizations, governmental units, or the general public service which is guided by special knowledge of social resources, social systems, human capabilities, and the part conscious and unconscious motivation play in determining behavior. Any person regularly employed by a licensed hospital or nursing home who offers or renders such services in connection with his employment in accordance with patient care policies or plans for social services adopted pursuant to applicable regulations when such services to [sic] not include group, marital or family therapy, psychosocial treatment or other measures to modify human behavior involving child abuse, newborn intensive care, emotional disorders or similar issues, shall not be deemed to be engaged in the 'practice of social work.' Subject to the foregoing, the disciplined application of social work values, principles and methods includes but is not restricted to the following:

"'Clinical social worker' shall mean a social worker who, by education and experience, is professionally qualified at the autonomous practice level to provide direct diagnostic, preventive and treatment services where functioning is threatened or affected by social and psychological stress or health impairment."

Va. Code §54-941 pars. c,b (1982)

WEST VIRGINIA

"'Social work' means the profession that provides the formal knowledge base, theoretical concepts, specific functional skills and essential social values which are used to implement society's mandate to provide safe, effective and constructive social services through the professional activities of helping individuals, groups or communities enhance or restore their capacity for social functioning, and preventing or controlling social problems and altering societal conditions as a means toward enabling people to attain their maximum potential.

"'Social worker' means a person who represents himself or herself to the public by the title 'social worker' and, under this title offers to render or renders services involving the application of principles, methods and procedures of the profession of social work to individuals, families, corporations or the public for financial compensation: Provided, That social workers as defined by this article, does not mean any person who

may voluntarily serve in an advisory capacity in situations dealing with social and family matters while not holding himself or herself out to the public as a social worker.

"'Social work practice' means the professional application of social work values, principles and techniques to one or more of the following ends: Enhancing the developmental, problem-solving and coping capacities of people; promoting the effective and humane operations of systems that provide resources and services to people; linking people with systems that provide them with resources, services and opportunities; contributing to the development and improvement of social policy; engaging in research related to these ends and principles; and organizations or agencies engaged in such practice. Such social work interventions are provided to individuals, families, small groups, organizations, neighborhoods and communities. The practice of social work is guided by knowledge of social resources, social systems, human behavior and social, economic and cultural institutions and the interaction of all such factors."

W. Va. Code §30-30-2(b),(c),(d) (Supp. 1985)

LICENSING AND INSURANCE PROVISIONS FOR PRACTICE-RESTRICTIVE STATES ("CLINICAL" IN TITLE)

This appendix contains excerpts from state laws and regulations in the nine practice-restrictive states where "clinical" appears in the title of the social work license. The excerpts concern the practice restrictions placed on clinical social workers and their recognition by the states as alternative providers of mental health services for health insurance purposes.

CALIFORNIA

License provisions

"Only individuals who have received a license under this article may style themselves as 'Licensed Clinical Social Workers.' Every individual who styles himself or holds himself out to be a licensed clinical social worker, or uses any words or symbols indicating or tending to indicate that he is a licensed clinical social worker, without holding his license in good standing under this article, is guilty of a misdemeanor.

"On and after July 1, 1969, it is unlawful for any person to engage in the practice of clinical social work unless at the time of so doing such person holds a valid, unexpired, and unrevoked license under this article."

Cal. Bus. and Prof. Code §9040 (Deering 1976)

Insurance provisions

". . . No such policy shall prohibit the insured from selecting any psychologist or other person who is the holder of a certificate or license under section . . . of the Business and Professions Code, to perform the particular services covered under the terms of the policy, such certificate holder or licensee being expressly authorized by law to perform such services. Nor shall any such policy prohibit the insured, upon referral by a physician and surgeon licensed under section . . ., from selecting any licensed clinical social worker who is the holder of a license issued. . . ."

Cal. Ins. Code §10176 (Deering Supp. 1985)

DELAWARE

License provisions

"No person shall hold himself out to the public as being a licensed clinical social worker qualified for practice . . . or use in connection with his name or otherwise assume, use or advertise any title or description tending to convey the impression that he is a licensed clinical social worker unless such person has been duly licensed under this Chapter."

Del. Code Ann. tit. 24, §3903 (Supp. 1984)

"Each person who has passed the written examination, who has been admitted to practice in this State by reciprocity, or who has otherwise qualified for a license shall, prior to practicing in this State, file for and obtain an occupational license from the Division of Revenue. . . ."
Del Code Ann. tit. 24, §3911(a) (Supp. 1984)

"Where the Board has determined that a person is practicing clinical social work within this State without having lawfully obtained a license therefor, or that a person previously licensed is unlawfully practicing although his license [h]as been suspended or revoked, the Board shall formally warn such person. If the offense continues, the Board shall make a formal complaint to the Attorney General. . . ."
Del. Code Ann. tit. 24, §3918(a) (Supp. 1984)

Insurance provisions

None

KANSAS

License provisions

"No person may engage in the private, independent practice of social work unless he or she is: (1) Licensed under this act as a master social worker . . ."
Kan. Stat. Ann. §75-5353 (a) (1984)

"No person shall engage in the practice of social work for compensation or hold forth as performing the services of a social worker unless such person is licensed in accordance with the provisions of this act, nor may any person participate in the delivery of social work service unless under the supervision of a person who is licensed under this act. . . ."
Kan. Stat. Ann. §75-5348 (a) (1984)

Insurance provisions

"Notwithstanding any provision of an individual or group policy or contract of health and accident insurance, delivered within the state, whenever such policy or contract shall provide for reimbursement for any service within the lawful scope of practice of a duly licensed specialist clinical social worker authorized to engage in private, independent practice under subsection (a) of K.S.A. 75-5353 within the state of Kansas, the insured, or any other person covered by the policy or contract shall be allowed and entitled to reimbursement for such service,

unless subject coverage is refused in writing by the policy holder, irrespective of whether it was provided or performed by a duly licensed physician or a duly licensed social worker authorized to engage in private, independent practice under subsection (a) of K.S.A. 75-5353."

Kan. Stat. Ann. §40-2,114 (Supp. 1984)

KENTUCKY

License provisions

"After one (1) year from June 21, 1974, . . . no person shall engage in the practice of social work unless he is licensed in accordance with the provisions of KRS . . ., and no person shall hold himself out to the public by any title or description of services representing himself as a 'certified social worker', 'social worker', or any other other title that includes such words except as such usage of title or description is authorized by KRS 335.010 to 335.160 and 335.990."

Ky. Rev. Stat. Ann. §335.030 (Baldwin 1983)

"Areas of specialty certification shall include 'clinical social work' and others as defined by the board. Any use of the titles of specialty certification are restricted to persons so qualified under this section."

Ky. Rev. Stat. Ann. §335.100(3) (Baldwin 1983)

Insurance provisions

None

MAINE

License provisions

"The 'independent practice of social work' means engaging in social work for remuneration other than under the direct supervision of a certified social worker. . . . A clinical social worker may engage in the independent practice of social work. . . . After April 1, 1979, no person shall engage in the independent practice of social work . . . without being licensed to do so . . . . After January 1, 1985, any person who does not hold a current independent practice license must become licensed as a clinical social worker in order to engage in the independent practice of social work in a clinical capacity. . . ."

Me. Rev. Stat. Ann. tit. 32, §§ 7001 pars. 5, 5-A; 7003; 7052 (Supp. 1985)

Insurance provisions

"Not withstanding any provision of a contract between a subscriber and . . . entered into pursuant to a hospital service plan, medical service plan or health care plan authorized under this chapter, and notwithstanding any other provision of this chapter, whenever the contract provides for payment or reimbursement for mental health services, payment or reimbursement for the provision of these services shall not be denied because the services are provided by . . . a contracting certified social worker licensed for the independent practice of social work in this State who has at least a masters degree in social work from an accredited educational institution, has been employed in social work for at least 2 years, and who, after January 1, 1985, must be licensed as a clinical social worker in this State . . . Payment or reimbursement for services rendered by clinical social workers licensed in this State shall not be conditioned upon prior diagnosis or referral by a physician or other health care professional, except in cases where diagnosis of the condition for which the services are rendered is beyond the scope of their licensure."

Me. Rev. Stat. Ann. tit. 24 §2303.2. (Supp 1984) (similar wording in § 2744 and 2835)

MASSACHUSETTS

License provisions

"No person shall engage in the practice of social work unless he is licensed. . . .

"No person shall hold himself out to be a licensed certified social worker, or a licensed social worker, or a licensed social work associate unless he has met the applicable requirements set forth. . . .

"No person shall engage in the independent practice of clinical social work or hold himself out to be a licensed independent clinical social worker unless he is licensed under the applicable provisions. . . ."

Mass. Ann. Laws ch. 112 §133 (Michie/Law. Coop. 1985)

Insurance provisions

"Any subscription certificate under an individual or group medical service agreement which shall be delivered or issued or renewed in this commonwealth shall provide . . . (c) In the case of out-patient benefits, these shall cover, to the extent of five hundred dollars over a twelve-month period, services

furnished . . . (4) consultations or diagnostic or treatment sessions, provided that such services under this clause are rendered by a psychotherapist or by a psychologist or licensed independent clinical social worker licensed under the provisions of chapter one hundred and twelve."

Mass. Ann. Laws Ch. 176B, §4A (Michie/Law. Coop. Supp. 1985)

TEXAS

License provisions

"(a) Unless certified under this chapter or unless specifically exempted from its provisions, a person may not:

(1) employ, use, cause to be used, or make use of any of the following terms or any combinations, variations, or abbreviations of the terms as a professional, business, or commercial identification, title, name, representation, claim, asset, or means of advantage or benefit: 'certified social worker,' 'licensed certified social worker,' 'registered certified social worker,' 'social worker,' 'licensed social worker,' 'registered social worker,' 'licensed social work associate,' or 'registered social work associate', or

(2) employ, use, cause to be used, or make use of any letter, abbreviation, word, symbol, slogan, sign, or any combination or variation of them that tends or is likely to create any impression with a member of the public that a person is qualified or authorized to practice social work or is a certified social worker, social worker, or social work associate, unless appropriately certified under and practicing in accordance with this chapter.

(b) A person, firm, partnership, association, corporation, business, or professional entity that does or offers or attempts to do an act prescribed by Subsection (a) of this section is engaged in the practice of social work."

Tex. Hum. Res. Code Ann. §50.010 (Vernon Supp. 1985)

Insurance provisions

None

UTAH

License provisions

"No person may engage in the private and independent practice of social work unless licensed under this chapter as a certified social worker."

Utah Code Ann. §58-35-6(1)(a) (Supp. 1983)

"No person may engage in the practice of social work unless he is licensed under this act or is under the supervision of a person who is licensed under this act."
Utah Code Ann. §58-35-3(1) (Supp. 1983)

"No person may represent himself as a certified social worker by using the titles 'certified social worker,' 'registered social worker,' or any other title that includes such words unless licensed under this act."
Utah Code Ann. §58-35-4 (1983)

Insurance provisions

"(1) No insurer shall make or permit any unfair discrimination in favor of particular individuals or persons or between any duly licensed professional groups who are authorized by law to render similar services, including . . . (2) The right of any person, insured by any insurer certified to do business within this state, to exercise full freedom of choice in the selection of a duly licensed . . . or duly certified social worker for the treatment of any illness or injury within the scope of the licensee's practice, shall not be restricted under any new policy of accident or health insurance or any . . . renewed. . . ."
Utah Code Ann. §31-27-24 (Supp. 1983)

VIRGINIA

License provisions

"In order to engage in the practice of social work, it shall be necessary to hold a requisite valid license."
Va. Code §54-943.1 (1982)

"It shall be unlawful for any person to practice or to offer to practice the profession of social work or clinical social work unless such person has been duly licensed or is exempt from licensure under the provisions of . . . the Code of Virginia. . . ."
Regulations For the Virginia Board of Social Work §DOC 6.3

Insurance provisions

"Notwithstanding any provision of any policy of insurance, when such policy provides for reimbursement for any service which may be legally performed by a person licensed in this State for the practice of . . . clinical social work . . .

APPENDIX III

reimbursement under such policy shall not be denied because such service is rendered by a person so licensed provided . . . that the provisions of this section relating to clinical social work services shall not apply unless insurance coverage for such services has been specifically contracted for under the policy, which coverage must be made available to the purchase of such policy. . . ."

Va. Code 38.1-347.1 (1981)

LICENSING AND INSURANCE PROVISIONS FOR PRACTICE-RESTRICTIVE STATES ("CLINICAL" NOT IN TITLE)

This appendix contains excerpts from state laws and regulations in the 10 practice-restrictive states where "clinical" does not appear in the title of the licenses used by clinical social workers. The excerpts concern practice restrictions placed on social workers and their recognition by the states as alternative providers of mental health services for health insurance purposes.

ALABAMA

License provisions

"After May 24, 1978, no person may engage in the private independent practice of social work unless he is licensed under this chapter as a licensed certified social worker. . . ."
Ala. Code §34-30-3 (Supp. 1984)

"After November 24, 1978, no person may engage in the practice of social work, holding himself forth as a 'social worker,' a 'licensed bachelor social worker,' a 'licensed graduate social worker' or a 'licensed certified social worker,' unless that person is so licensed under this chapter. . . ."
Ala. Code §34-30-20 (Supp. 1984)

Insurance provisions

None

ARKANSAS

License provisions

"Beginning one (1) year after the effective date of this Act, no person may engage in the private independent practice of social work unless that person is licensed under this Act as a Licensed Certified Social Worker." (approved 3-28-81)
Ark. Stat. Ann. §71-2806 (Supp. 1983)

"The following acts shall constitute violations of this Act.
(1) representing one's self to be a Social Worker, Licensed Social Worker, Licensed Master Social Worker, or Licensed Certified Social Worker, as defined in this Act, unless he or she is duly licensed as such under this Act; or under such titles or descriptions offering to give or giving services to individuals, groups, agencies, or corporations without a license;
(2) entering the private independent practice of social work without being certified by the Board . . ."
Ark. Stat. Ann. §71-2816 (Supp. 1983)

Insurance provisions

None

IDAHO

License provisions

"Private and Independent Practice of Social Work. On and after July 1, 1976, no person shall engage in the private and independent practice of social work unless he is licensed under this act as a certified social worker and has had two (2) years of post-graduate experience under appropriate supervision as determined by the board in review of the applicant's qualification."
Idaho Code §54-3207 (1979)

Insurance provisions

None

LOUISIANA

License provisions

"Persons practicing board certified social work in Louisiana who wish to continue the practice of board certified social work in Louisiana must apply for a license . . . within one year subsequent to the effective date of this chapter."
La. Rev. Stat. Ann. §37-2707 (West 1974)

"Any person who possesses a valid, unsuspended, and unrevoked certificate as a board certified social worker shall have the right to practice and use the title, Board Certified Social Worker, and the abbreviation BCSW. No other person shall assume such title, use such abbreviation, or use any work, letter, signs, figures, or devices to indicate that he or she is a board certified social worker."
La. Rev. Stat. Ann. §37-2711 (West 1974)

"It shall be a misdemeanor . . . to engage in the practice of board certified social work without being duly certified under the provisions of this chapter."
La. Rev. Stat. Ann. §37-2716A.(1) (West 1974)

Insurance provisions

"Every person authorized . . . shall offer in all group, blanket, and franchise policies an optional provision in the policy, contract, benefit plan, agreement, or program which states that benefits shall be payable for services rendered for the treatment of mental or nervous disorders, or both under the same circumstances and conditions as benefits are paid under those policies, contract, benefit plans, agreements, or programs for all other diagnoses, illnesses, or accidents. This coverage shall apply only to group, blanket, and franchise policies. These benefits shall be payable when the treatment or services are rendered by a physician licensed under the provisions of . . . or when the treatment or services in connection with diagnostic consultation provided by a physician are rendered by a board certified social worker licensed under the provisions of R.S. 37:2701 et seq., who is a member of a national clinical social work registry.

"Whenever any such policies, contracts, programs, or plans provide for the reimbursement of health related services that can be lawfully performed by a board certified social worker, licensed under the provisions of R.S. 37:2701 et seq., the insured or other person entitled to benefits under such policy, contract, program, or plan shall be entitled to reimbursement for such services performed by a board certified social worker notwithstanding any provisions of the policy, contract, program, or plan to the contrary, provided the social worker is in collaboration and continuing consultation with a physician licensed by the Louisiana State Board of Medical Examiners who assumes the responsibility for the total health of the patient."

La. Rev. Stat. Ann. § 22:669 pars. A,B (West Supp. 1985)

MARYLAND

License provisions

"In general except as otherwise provided in this title, an individual shall be licensed by the Board before the individual may practice social work in this State."

Md. Health Occ. Code Ann. §18-301(a) (1981)

"Except as otherwise provided in this title, a person may not practice, attempt to practice, or offer to practice social work in this State unless licensed by the Board."

Md. Health Occ. Code Ann. §18-401 (1981)

". . . Only Certified Social Workers shall engage in the private practice of social work."

Code of Maryland Regulations title 10.42.01.03

Insurance provisions

"Every group health insurance policy or individual policy . . . which provides for reimbursement for any service which is within the lawful scope of practice of a licensed certified social worker shall provide such benefit whether the service is performed by a doctor of medicine or by a licensed certified social worker who has had at least two years or 3,000 hours of post-masters supervised clinical social work practice in a clinical program as established by the State Board of Social Work Examiners if the insured or the person covered by the policy was referred to the social worker by a physician."
Md. Ann. Code art. 48A, §354L (Supp. 1984)

NORTH DAKOTA

License provisions

"Only those persons licensed to practice under this Act may use the title 'licensed social worker' and the initials 'l.s.w.' after the person's name or the title 'licensed certified social worker' and the initials 'l.c.s.w.' after the person's name."
N.D. Cent. Code §43-41-03 par. 1 (Supp. 1985)

"Except as otherwise provided in this Act, no person shall engage in social work practice in this state unless that person is a licensed social worker or a licensed certified social worker."
N.D. Cent. Code #43-41-04 par. 1 (Supp. 1985)

"No person may engage in the private practice of social work unless that person is licensed under this Act as a licensed certified social worker. . . ."
N.D. Cent. Code §43-41-05 par. 1 (Supp. 1985)

Insurance provisions

None

OKLAHOMA

License provisions

"No person may engage in the private, independent practice of social work unless he or she is licensed under this act as a licensed social worker . . ."
Okla. Stat. Ann. tit. 59, §1261.1 par. B (West Supp. 1984)

". . . no person may use any title, abbreviation, sign, card or device incorporating the words 'social worker' or a derivative thereof unless such person has been duly licensed under the provisions of this law."
Okla. Stat. Ann. tit. 59, §1251 par. A (West Supp. 1984)

Insurance provisions

". . . licensed and certified clinical social work services provided by persons meeting the qualifications required under . . . and covered by the terms of any individual, group, blanket or franchise policy, agreement or service contract providing accident or health benefits coverage in Oklahoma by any issuer, whether a stock or mutual insurance company, may be performed by any practitioner licensed. . . . Any provision of such policy or exclusion or limitation denying an insured the free choice of such . . . certified clinical social worker shall, to the extent of the denial, be void, but such voidance shall not affect the validity of the other provisions of the policy."
Okla. Stat. Ann. tit. 36 §3634 (West Supp. 1984)

SOUTH DAKOTA

License provisions

"It is a . . . misdemeanor for any person or persons to engage in the practice, or attempt to practice, social work as a certified social worker, social worker or social work associate without a license issued pursuant to the provisions of this chapter. No social work associate may practice except under the supervision of a certified social worker or social worker."
S.D. Codified Laws Ann. §36-26-10 (1977)

"No person may represent himself as a social worker by using the titles 'certified social worker,' 'social worker,' or 'social work associate,' or any other title that includes such words unless licensed under this chapter."
S.D. Codified Laws Ann. §36-26-11 (1977)

"No person may engage in the private, independent practice of social work unless he: (1) Is licensed under this chapter as a certified social worker . . ."
S.D. Codified Laws Ann. §36-26-17 (1977)

Insurance provisions

None

TENNESSEE

License provisions

"No person shall act as, or represent himself to be, an independent practitioner of social work as defined in this section unless such person possesses a valid license. . . ."
Tenn. Code Ann. §63-23-103(d) (Supp. 1985)

Insurance provision

None

WEST VIRGINIA

License provisions

"After twenty-four months have passed from the effective date of this article,[1] no person may represent that he or she is a social worker by using such titles as certified social worker, graduate social worker, social worker or any other title that includes a facsimile of such words unless he or she is duly licensed under the provisions of this article or specifically exempted hereunder; nor may any person represent himself or herself to be a certified social worker, graduate social worker or other type of social worker by adding the letters CSW, GSW, SW or any other letters, words or insignia which induce or tend to induce the belief that the person is qualified to engage in the practice of social work unless the person is licensed in accordance with the provisions of this article.
After [date],[2] no person may engage in the private, independent practice of social work unless he or she is already licensed under this article."[3]
W. Va. Code §30-30-4(a),(b) (Supp. 1984)

Insurance provisions

None

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[1]GAO note: July 1, 1984.

[2]GAO note: July 1, 1986.

[3]Comment from West Virginia official on questionnaire. "No one may practice social work who is not licensed after July 1, 1986. Anyone who is licensed may practice any type of social work practice."

LICENSING AND INSURANCE PROVISIONS FOR TITLE-RESTRICTIVE STATES

This appendix contains excerpts from state laws and regulations in the 12 title-restrictive states concerning restrictions on use of social work titles and recognition of social workers by the states as alternative providers of mental health services for health insurance purposes.

COLORADO

License provisions

". . . Any person who possesses a valid unsuspended and unrevoked certificate as a licensed social worker . . . and who is entitled to engage in the private, independent practice of social work, has the right to practice and use the title 'licensed social worker II' and the abbreviation 'LSW II'. No other person shall assume these titles or use these abbreviations on any work or letter, sign, figure, or device to indicate that the person using the same is a licensed social worker."
Colo. Rev. Stat. §12-63.5-112 (1) (Supp. 1984)

". . . No person may engage in the private, independent practice of social work unless he is licensed . . . ."
Colo. Rev. Stat. §12-63.5-106(2) (Supp. 1984)

"A social worker who engages in applied psychotherapy shall, in order to make provision for the diagnosis and treatment of medical problems, collaborate with a physician licensed under the laws of this state."
Colo. Rev. Stat. §12-63.5-121 (1978)

Definitions--"'Applied Psychotherapy' includes, but is not limited to, general case work, individual psychotherapy, family and marriage counseling, social services, case work, child placement and adoption, medical social work, and group work."
Colo. Rules and Regulations IV 2(a)

"A person may be engaged in the private independent practice of social work only if s/he is licensed as an LS W II."
Rules and Regulations VI

"Nothing in this part 1 shall be construed to prevent qualified members of other professional groups from engaging in activities consistent with the standards and ethics of their respective professions, but they shall not hold themselves out to the public by any title or description of services incorporating the words 'licensed social worker' or 'registered

social worker', and they shall not state or imply that they are licensed or registered to practice social work."[1]
Colo. Rev. Stat. §12-63.5-119 (1978)

Insurance provisions

None

FLORIDA

License provisions

"No person shall hold himself out by any title or description incorporating the words, or permutations of them, . . . 'Clinical social work,' 'licensed social worker', 'psychiatric social worker,' . . . unless such person is licensed under this chapter. . . ."
Fla. Stat. Ann. §490.012 (1) (West Supp. 1985)

Insurance provisions

None

ILLINOIS

License provisions

"After December 31, 1968, no person may represent himself to be a social worker by adding the letters 'S.W.' or 'C.S.W.' after his name or by using the title 'social worker', 'certified social worker' or any other title which includes the words 'social worker', unless registered under this Act.
"Nothing in this Act prevents any person from being engaged in the field of social work so long as he does not represent himself as, or use the titles of, 'social worker' or 'certified social worker'."
Ill. Ann. Stat. ch. 111, §§ 6304, 6305 (Smith-Hurd 1978)

Insurance provisions

None

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[1]According to a Colorado official, this section means that the license is title restrictive, not practice restrictive.

IOWA

License provisions

"After January 1, 1985, a person shall not hold oneself forth as a licensed social worker unless the person has obtained a license . . . .

"This chapter and chapter 147 do not prevent individuals not licensed as social workers from working within their respective professions or occupations if they do not hold themselves out to the public as being licensed social workers. . . ."

Iowa Code Ann. §154C.2 (West Supp. 1985)

Insurance provisions

None

MICHIGAN

License provisions

"A person shall not represent that the person is a certified social worker, social worker, or social work technician unless the person is registered in that capacity under this article. . . . 'Certificate of registration' means a document issued as evidence of authorization to use a designated title."

Mich. Stat. Ann. §§ 18.425(103)(3), 18.425 (1603) (Callaghan Supp. 1985)

Insurance provisions

None

MONTANA

License provisions

"No person may represent himself to be a licensed social worker by adding the letters 'LSW' after his name or by any other means unless licensed under this chapter. . . . does not prohibit qualified members of other professions . . . or the general public engaged in social work like activities from doing social work consistent with their training if they do not hold themselves out to the public by a title or description incorporating the words 'licensed social work' or 'licensed social worker'."

Mont. Code Ann. §37-22-305(1),(2)(a)(1983)

Insurance provisions

None

NEW HAMPSHIRE

License provisions

". . . after Jan. 1, 1984, any person not a certified clinical social worker who shall represent himself as a certified clinical social worker or any person who violates any of the provisions of RSA 330-A relating to . . . clinical social work, or having had his certificate suspended or revoked shall continue to represent himself as a . . . certified clinical social worker shall be guilty of a misdemeanor. . . ."
N.H. Rev. Stat. Ann. §330-A:21 (1984)

Insurance provisions

"Each insurer, including self insured benefit plans, funds or programs, that issues or renews any policy of group or blanket accident or health insurance providing benefits for medical or hospital expenses, shall offer to each group, or to the portion of each group comprised of certificate holders of such insurance who are residents of this state and whose principal place of employment is in this state, the option of purchasing, for an additional premium, additional coverage for expenses incurred as a result of treatment or counseling by a clinical social worker certified as provided in RSA 330-A:16-d."
N.H. Rev. Stat. Ann. 415:18A par. IV-a (Supp. 1983)

NEW YORK

License provisions

"Only a person licensed under this article shall be authorized to use the title 'certified social worker'."
N.Y. Educ. Law §7702 (McKinney 1985)

Insurance provisions

". . . a group policy for delivery in this state which policy provides reimbursement to insureds for psychiatric or psychological services or for the diagnosis and treatment of mental, nervous or emotional disorders and ailments, however defined in such policy, by physicians, psychiatrists or psychologists, must provide the same coverage to insureds for

such services when performed by a social worker, within the lawful scope of his or her practice, who is certified pursuant to article one hundred fifty-four or the education law and in addition shall have either (i) three or more years post degree experience in psychotherapy. . . . The state board for social work shall maintain a list of all certified social workers qualified for reimbursement under this subdivision."

N.Y. Insur. Law § 3221 (1)(4)(A) and (B) (McKinney 1985)

NORTH CAROLINA

License provisions

"After January 1, 1984, . . . it is unlawful for any person who is not certified under this Chapter, to represent himself or herself to be certified under this Chapter or hold himself or herself out to the public by any title or description denoting that he or she is certified under this Chapter. . . . Nothing herein shall be construed as prohibiting social workers who are not certified by the N.C. Certification Board for Social Work from practicing social work."

N.C. Gen. Stat. §90B-4 (Supp. 1983)

Insurance provisions

None

OREGON

License provisions

"After June 30, 1978, no person shall represent himself by using the title 'registered clinical social worker' . . . unless he is registered. . . ."

Or. Rev. Stat. §675.520 (1981)

Insurance provisions

"Whenever any individual or group health insurance policy provides for payment or reimbursement for any service which is within the lawful scope of service of a clinical social worker registered under ORS 675.510 to 675.610:

(1) The insured under the policy shall be entitled to the services of a clinical social worker registered under ORS 675.510 to 675.610, upon referral by a physician or psychologist.

(2) The insured under the policy shall be entitled to have payment or reimbursement made to the insured or on behalf of the insured for the services performed. The payment or

reimbursement shall be in accordance with the benefits provided in the policy and shall be computed in the same manner whether performed by a physician, by a psychologist or by a clinical social worker, according to the customary and usual fee of clinical social workers in the area served."

Or. Rev. Stat. §743.135 (1981)

RHODE ISLAND

License provisions

". . . it shall be unlawful for any person to represent himself as a Registered Social Worker or Registered Independent Social Worker in this State, or to use any title, abbreviation, sign, card, or device to indicate that such a person is a Registered Social Worker or Registered Independent Social Worker unless such a person has been duly registered under the provisions of this Chapter."

R.I. Gen. Laws §5-39-1 (Supp. 1984)

Insurance provisions

None

SOUTH CAROLINA

License provisions

". . . It shall be unlawful for any person to use the title 'registered social worker' unless qualified and registered in the manner prescribed in this chapter."

S.C. Code Ann. §40-63-10 (Law. Co-op. 1976)

Insurance provisions

None

(106234)

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